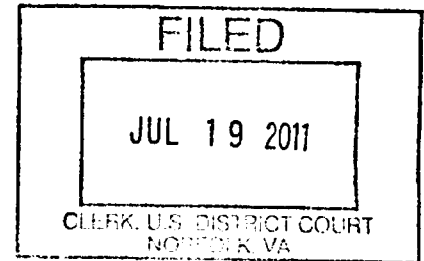


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



DENISE BOGGS-WILKERSON,

Plaintiff,

v.

ACTION NO. 2:10cv518

UNITED STATES OF AMERICA, et al.,

Defendants.

ORDER

This matter comes before the court on the Motions to Dismiss, filed by the defendants, United States of America and Alonzo Anderson, on April 28, 2011, and May 3, 2011, respectively. The matter was referred to a United States Magistrate Judge by order of May 13, 2011, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion.


The United States Magistrate Judge conducted a hearing on May 27, 2011. The Magistrate Judge's Report and Recommendation was filed on June 16, 2011. The magistrate judge recommended that the defendants' Motions to Dismiss be granted. By copy of the Report and Recommendation, the parties were advised of their right to file written objections thereto. On June 22, 2011, the court received plaintiff's Objections to the Magistrate Judge's Report and

Recommendation; on June 23, 2011, the court received defendant's, Progressive Direct Insurance Company, Objections to the Magistrate Judge's Report and Recommendation; and on July 1, 2011, the court received the defendant's, United States of America, Objections to the Magistrate Judge's Report and Recommendation. On July 5, 2011, the court received defendant's, United States of America, Response to plaintiff's and defendant's, Progressive Direct Insurance Company, objections.

The court, having examined the objections to the Report and Recommendation and having made de novo findings with respect thereto, does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed June 16, 2011. Accordingly, because Boggs-Wilkerson's injuries were incurred in an activity "incident to service," as understood by the Fourth Circuit, her claim against the United States is barred by the Feres doctrine, and the defendants', United States of America and Alonzo Anderson, Motions to Dismiss the complaint are **GRANTED**. Further, the court grants plaintiff fourteen (14) days from the date of this Order to move for the remand of consolidated case No. 2:11cv13 to the Norfolk Circuit Court to pursue recovery from her uninsured motorist carrier. Any response to such Motion to Remand is due by August 9, 2011, and any reply is due by August 16, 2011.

The Clerk shall forward a copy of this Order to counsel for the parties.

It is so ORDERED.

/s/  
Rebecca Beach Smith  
United States District Judge 

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UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

July 19, 2011